

### **Remarks**

Claims 1-36 are pending in the application. Claims 18-36 have been rejected under 35 U.S.C. § 101 as comprising non-statutory subject matter. Claims 1-36 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Von Kohorn. In view of the following remarks, reconsideration and withdrawal of these grounds of rejection is requested.

### **Examiner Interview**

The Applicant sincerely thanks Examiner Myhre for the courtesy of the Interview conducted on June 25, 2003. During this Interview, Applicant's representatives (Taufer & Gambino) discussed the merits of the rejection under Von Kohorn with the Examiner. The parties agreed that Von Kohorn did not disclose or suggest a system or method where a user must access (e.g., 'click on') an advertising image or message to play an interactive game. In accordance with the Examiner's comments, claims 1, 8, 18, 25 and 32 have been amended.

### **§ 101 Rejections**

Claims 18-36 stand rejected under 35 U.S.C. § 101 as comprising non-statutory subject matter. For the reasons set forth below, reconsideration and withdrawal of this ground of rejection is respectfully requested.

In particular, the Examiner rejects claims 18-36 as "merely [identifying] one or more types of data." The Applicant has amended claims 18-24 and 32-36 to recite a "computer readable medium" which includes software thereon for performing specified steps on a computer. The Patent Office has specifically noted that computer programs embodied on 'computer readable media' comprise statutory subject matter. See, M.P.E.P. § 2106. Additionally, claims 25-31 have been amended as suggested by the Examiner to recite a "computer data signal" which when implemented on a computer performs certain steps (e.g., "displaying one or more...", etc.). Accordingly, reconsideration and withdrawal of this ground of rejection with respect to claims 18-36 is respectfully requested.

### **§ 103 Rejections**

Claims 1-36 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Von Kohorn (U.S. Pat. No. 5,916,024). For the reasons set forth below, reconsideration and withdrawal of

this ground of rejection is respectfully requested.

An embodiment of the present invention comprises a method for advertising on a computer network. The method comprises integrating an interactive computer game with advertising images. In order to play the interactive computer game, users must also interact with the advertising information, but are not redirected to a different website containing the advertiser's information. An advantage of this type of combined game/advertising information format is that users are not required to parse an advertiser's website for advertising information, the advertising information is supplied to the user as part of the game.

Von Kohorn teaches a system and method of playing games and rewarding successful players which includes in one embodiment: a central station 1402, and a plurality of remote receiving stations 1406. Each remote receiving station 1406 includes a game machine 1400, and a television 1410. The central station 1402 includes a facility 1448 for the provision of advertising information.

In operation, a user plays a game on game machine 1400 (e.g., Nintendo® game machine), which is viewed on television 1410, and is periodically interrupted with advertising messages and information broadcast from the advertising facility 1448 of the central station 1402 (see, col. 143, lines 56-59). The advertising messages may totally interrupt the game, or may be presented during game play to provide the gamer additional incentives (e.g., coupons) for performing well in the game (see, col. 141, line 58 to col. 142, line 20).

Von Kohorn fails to disclose or suggest a method of advertising on a computer wherein users are prompted to access advertising information before being able to play a game (emphasis added).

In particular, claim 1 recites:

A method of advertising on a computer network comprising:  
presenting at least one initial advertising image or message;  
presenting an interactive game to one or more players via the computer network, said interactive game including at least one additional advertising image or message; and, prompting the one or more players to access the at least one initial advertising image or message as a prerequisite to playing the interactive game.  
[emphasis added]

Thus, claim 1 requires a method of advertising wherein a user must access an "initial advertising image or message" as a "prerequisite" to playing the interactive game. As noted

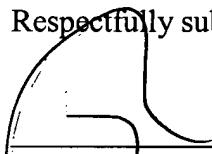
above, Von Kohorn fails to disclose or suggest such an invention. Von Kohorn teaches a system for introducing advertising messages onto the display of an existing video game during play; the gamer does not need to access the advertising messages to begin, or continue, playing the video game. Accordingly, since Von Kohorn fails to disclose or suggest a system where a user must access advertising information before playing a game, reconsideration and withdrawal of this ground of rejection with respect to claims 1-7 is respectfully requested.

Independent claims 8, 18, 25 and 32 all contain limitations similar to those discussed above with respect to independent claim 1. In particular, all of these claims contain limitations which require a user to access an initial advertising image before being permitted to play the game. Therefore, for at least those reasons discussed above with respect to claim 1, reconsideration and withdrawal of this ground of rejection with respect to claims 8-36 is respectfully requested.

**Summary**

In view of the foregoing remarks, Applicants submit that this application is in condition for allowance at an early date, which action is earnestly solicited.

Respectfully submitted,

  
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